

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DEUTSCHE BANK TRUST COMPANY AMERICAS,)
in its capacity as successor indenture trustee for certain)
series of Senior Notes, LAW DEBENTURE TRUST)
COMPANY OF NEW YORK, in its capacity as)
successor indenture trustee for certain series of Senior)
Notes, and WILMINGTON TRUST COMPANY, in its)
capacity as successor indenture trustee for the PHONES) C.A. No. 1:11-cv-00618-GMS
Notes,)
Plaintiffs,)
v.)
SOWOOD ALPHA FUND LP, *et al.*,)
Defendants.)

**DEFENDANT THE BANK OF NEW YORK MELLON IN ITS CAPACITY AS
TRUSTEE OF THE BANK OF NEW YORK MELLON EMPLOYEE BENEFIT
COLLECTIVE INVESTMENT FUND PLAN'S RULE 7.1 STATEMENT**

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable judges and magistrate judges of the Court to evaluate possible disqualification and recusal, the undersigned attorneys of record for defendant The Bank of New York Mellon, in its capacity as Trustee of The Bank of New York Mellon Employee Benefit Collective Investment Fund Plan (formerly known as the Mellon Bank, N.A. Employee Benefit Collective Investment Fund Plan and incorrectly named in the Complaint as Mellon Bank N.A. Emp Benefit Collective Investment Plan) certify that The Bank of New York Mellon Employee Benefit Collective Investment Fund Plan (formerly known as the Mellon Bank, N.A. Employee Benefit Collective Investment Fund Plan) has no corporate parent and no publicly-held corporation owns 10% or more of its stock.

Dated: September 22, 2011

REED SMITH LLP

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*Counsel for The Bank of New York Mellon
in its capacity as Trustee of The Bank of
New York Mellon Employee Benefit
Collective Investment Fund Plan*

CERTIFICATE OF SERVICE

I, Brian M. Rostocki, Esquire, hereby certify that on September 22, 2011, I caused a true and correct copy of the foregoing *Defendant The Bank of New York Mellon in its capacity as Trustee of The Bank of New York Mellon Employee Benefit Collective Investment Fund Plan's Rule 7.1 Statement* to be served electronically upon all counsel of record registered with the CM/ECF System for the United States District Court for the District of Delaware in the foregoing case.

Dated: September 22, 2011

/s/ Brian M. Rostocki

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